

MORGAN, LEWIS & BOCKIUS LLP  
BRETT M. SCHUMANN, State Bar No. 189247  
JOANNA K. SAX, State Bar No. 249124  
One Market, Spear Street Tower  
San Francisco, CA 94105-1126  
Tel: 415.442.1000  
Fax: 415.442.1001

Attorneys for Plaintiff  
INC21.COM CORPORATION d/b/a  
GLOBALYP.NET

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Inc21.com Corporation d/b/a  
GlobalYP.net,

Plaintiff,

vs.

Ma Sheila Flora, Tracy Gomez, Hubbub  
Inc., LKU Commtech Central, I2C-  
Intelligence to Communicate, Inc., Intelcon  
Call Center, Badoles, Inc., Pelatis BPO  
Solutions, Prolific Contract Central,  
Technocall Corp., Digicall Inc., Zynergy  
Solutions, and Contact Central Solutions,  
Inc.,

Defendants.

Case No. CV 08-02967 WHA

**DECLARATION OF JOANNA SAX IN  
SUPPORT OF PLAINTIFF'S REQUEST  
FOR ENTRY OF DEFAULT**

I, Joanna K. Sax, hereby declare that:

I am an attorney licensed to practice law in the Courts of this State and am an associate in the law firm of Morgan, Lewis & Bockius LLP, counsel of record for Plaintiff Inc21.com Corporation d/b/a GlobalYP.net ("Plaintiff" or "Inc21"). As counsel of record, I am familiar with

DB2/20809925.1

1 the manner in which the litigation records of Morgan, Lewis & Bockius LLP related to this case  
2 are maintained and can testify to the matters set forth herein if called upon to do so.

3 1. On or about June 16, 2008, Inc21 filed its complaint for violation of the  
4 Telemarketing and Consumer Fraud and Abuse Prevention Act, Breach of Contract, Negligence,  
5 and Fraud in the Northern District of California. On or about June 27, 2008, Inc 21 filed its First  
6 Amended Complaint against Defendants Ma Sheila Flora, Tracy Gomez, Hubbub Inc., LKU  
7 Commtech Central, I2C- Intelligence to Communicate, Inc., Intelcon Call Center, Badoles, Inc.,  
8 Pelatis BPO Solutions, Prolific Contract Central, Technocall Corp., Digicall Inc., Zynergy  
9 Solutions, and Contact Central Solutions, Inc. (collectively "Defendants"). To date, none of the  
10 Defendants filed a responsive pleading. A true and correct copy of the on-line docket in this  
11 action as printed on August 29, 2008 is attached hereto as **Exhibit A**.

12 2. On July 16, 2008, Inc21 served Defendants with the summons and complaint via  
13 mail pursuant to Federal Rule of Civil Procedure 4(f)(2)(C)(ii). The summons provided thirty  
14 (30) days for the defendants to respond. A true and correct copy of the filed proof of service is  
15 attached hereto as **Exhibit B**.

16 3. Inc21 collaborated with the Filipino law firm, SyCip Salazar Hernandez and  
17 Gatmaitan, to effectuate service by publication. Defendants were served by publication in a  
18 newspaper of general circulation in the Philippines. On July 27, 2008, the *Philippine Star*  
19 published the notice of the above captioned action. A true and correct copy of the proof of  
20 service by publication, including the Declaration of Domingo Castillo, is attached hereto as  
21 **Exhibit C**.

22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct and that this declaration was executed on August 29, 2008 at San  
24 Francisco, California.

25  
26   
27 Joanna K. Sax  
28

## **EXHIBIT A**

ADRMOP, E-Filing

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:08-cv-02967-WHA**

Inc21.com Corporation v. Flora et al  
Assigned to: Hon. William H. Alsup  
Demand: \$75,000  
Cause: 28:1331 Fed. Question

Date Filed: 06/16/2008  
Jury Demand: Plaintiff  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Inc21.com Corporation**  
*doing business as*  
GlobalYP.net

represented by **Brett Michael Schuman**  
Morgan Lewis & Bockius LLP  
One Market, Spear Street Tower  
San Francisco , CA 94105-1126  
415-442-1000  
Fax: 415-442-1001  
Email: bschuman@morganlewis.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joanna Kathe Sax**  
Morgan Lewis & Bockius LLP  
One Market Street, Speart Street Tower  
San Francisco , CA 94105-1126  
415-442-1283  
Fax: 415-442-1001  
Email: jsax@morganlewis.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Ma Sheila Flora**

**Defendant**

**Tracy Gomez**

**Defendant**

**Hubbub Inc.**

**Defendant**

**LKU Commtech Central**

**Defendant**

**12C-Intelligence to Communicate,  
Inc.**

**Defendant**

**Intelcon Call Center**

**Defendant**

**Badoles, Inc.**

**Defendant**

**Pelatis BPO Solutions**

**Defendant**

**Prolific Contract Central**

**Defendant**

**Technocall Corp.**

**Defendant**

**Digicall Inc.**

**Defendant**

**Zynergy Solutions**

**Defendant**

**Contact Central Solutions, Inc.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/13/2008	<u>11</u>	CERTIFICATE OF SERVICE by Inc21.com Corporation <i>PROOF OF SERVICE BY PUBLICATION</i> (Sax, Joanna) (Filed on 8/13/2008) (Entered: 08/13/2008)
07/17/2008	<u>10</u>	CERTIFICATE OF SERVICE by Inc21.com Corporation <i>Proof of Service</i> (Attachments: # <u>1</u> Exhibit A)(Sax, Joanna) (Filed on 7/17/2008) (Entered: 07/17/2008)
06/27/2008	<u>9</u>	AMENDED COMPLAINT <i>Plaintiff INC21's First Amended Complaint for Violation of the Telemarketing and Consumer Fraud and Abuse Prevention Act, Breach of Contract, Negligence, and Fraud</i> against all defendants. Filed by Inc21.com Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Sax, Joanna) (Filed on 6/27/2008) (Entered: 06/27/2008)
06/25/2008	<u>8</u>	SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE re <u>7</u> Clerk's Notice (fj, COURT STAFF) (Filed on 6/25/2008) (Entered: 06/25/2008)
06/25/2008	<u>7</u>	CLERK'S NOTICE Case Management Conference set for 9/25/2008 11:00 AM, Courtroom 9, on the 19th Floor, U.S. Courthouse, San Francisco. Case

		Management Statement due by 9/18/2008. (fj, COURT STAFF) (Filed on 6/25/2008) (Entered: 06/25/2008)
06/24/2008	<u>6</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. William H. Alsup for all further proceedings. Judge Magistrate Judge Bernard Zimmerman no longer assigned to the case. Signed by Executive Committee on 6/24/08. (mab, COURT STAFF) (Filed on 6/24/2008) (Entered: 06/24/2008)
06/23/2008	<u>5</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (klh, COURT STAFF) (Filed on 6/23/2008) (Entered: 06/23/2008)
06/23/2008	<u>4</u>	Declination to Proceed Before a U.S. Magistrate Judge by Inc21.com Corporation <i>and Request for Reassignment to a United States District Judge.</i> (Sax, Joanna) (Filed on 6/23/2008) (Entered: 06/23/2008)
06/16/2008		CASE DESIGNATED for Electronic Filing. (tn, COURT STAFF) (Entered: 06/17/2008)
06/16/2008	<u>3</u>	CERTIFICATION of Interested Entities or Persons Pursuant to Civil Local Rule 3-16 Filed by Plaintiff Inc21.com Corporation. (tn, COURT STAFF) (Filed on 6/16/2008) (Entered: 06/17/2008)
06/16/2008	<u>2</u>	ADR SCHEDULING ORDER: Joint Case Management Statement due 9/15/2008 & Initial Case Management Conference set for 9/22/2008 at 4:00 PM.. (tn, COURT STAFF) (Filed on 6/16/2008) (Entered: 06/17/2008)
06/16/2008	<u>1</u>	COMPLAINT for Violation of the Telemarketing & Consumer Fraud & Abuse Prevention Act, Breach of Contract, Negligence & Fraud & Demand for Jury Trial -[No Summons Issued] against Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Proufic Contract Central, Technocall Corp., Digicall Inc., Zynergy Solutions, Contact Central Solutions, Inc., Sheila Flora, Tracy Gomez, Hubbub Inc., LRU Commtech Central & 12C-Intelligence to Communicate, Inc., [Filing Fee:\$350.00, Receipt Number 34611020237] Filed by Plaintiff Inc21.com Corporation. (tn, COURT STAFF) (Filed on 6/16/2008) (Entered: 06/17/2008)

## **EXHIBIT B**

1 MORGAN, LEWIS & BOCKIUS LLP  
2 BRETT M. SCHUMANN, State Bar No. 189247  
3 JOANNA K. SAX, State Bar No. 249124  
4 One Market, Spear Street Tower  
5 San Francisco, CA 94105-1126  
6 Tel: 415.442.1000  
7 Fax: 415.442.1001

8 Attorneys for Plaintiff  
9 INC21.COM CORPORATION d/b/a  
10 GLOBALYP.NET

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 Inc21.com Corporation d/b/a  
15 GlobalYP.net,

16 Plaintiff,

17 vs.

18 Ma Sheila Flora, Tracy Gomez, Hubbub  
19 Inc., LKU Commtech Central, I2C-  
20 Intelligence to Communicate, Inc., Intelcon  
21 Call Center, Badoles, Inc., Pelatis BPO  
22 Solutions, Prolific Contract Central,  
23 Technocall Corp., Digicall Inc., Zynergy  
24 Solutions, and Contact Central Solutions,  
25 Inc.,

26 Defendants,

Case No. CV 08-02967 WHA

**PROOF OF SERVICE**

27 The following documents were served on Defendants Ma Sheila Flora, Tracy Gomez,  
28 Hubbub Inc., LKU Commtech Central, I2C- Intelligence to Communicate, Inc., Intelcon Call  
Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Contract Central, Technocall Corp.,  
Digicall Inc., Zynergy Solutions, and Contact Central Solutions, Inc., on Wednesday July 16,  
2008:

- SUMMONS IN A CIVIL ACTION
- ECF REGISTRATION INFORMATION HANDOUT



- CIVIL COVER SHEET and PLAINTIFF INC21'S COMPLAINT FOR VIOLATION OF THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT, BREACH OF CONTRACT, NEGLIGENCE, AND FRAUD
- ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES
- PLAINTIFF INC21'S CERTIFICATION OF INTERESTED ENTITIES OR PERSONS PURSUANT TO CIVIL LOCAL RULE 3-16
- DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE
- NOTICE OF IMPENDING REASSIGNMENT TO A UNITED STATES DISTRICT COURT JUDGE
- REASSIGNMENT ORDER
- CLERK'S NOTICE RESCHEDULING HEARING
- SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE IN CIVIL CASES BEFORE JUDGE WILLIAM ALSUP
- PLAINTIFF INC21'S FIRST AMENDED COMPLAINT FOR VIOLATION OF THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT, BREACH OF CONTRACT, NEGLIGENCE AND FRAUD

A Copy of the Proof of Service is attached hereto as Exhibit A.

Dated: July 17, 2008

MORGAN, LEWIS & BOCKIUS LLP

By: \_\_\_\_\_ /s/  
Joanna Sax  
Attorneys for Plaintiff  
INC21.COM CORPORATION d/b/a  
GLOBALYP.NET

## **EXHIBIT A**

1 MORGAN, LEWIS & BOCKIUS LLP  
2 BRETT M. SCHUMANN, State Bar No. 189247  
3 JOANNA K. SAX, State Bar No. 249124  
4 One Market, Spear Street Tower  
5 San Francisco, CA 94105-1126  
6 Tel: 415.442.1000  
7 Fax: 415.442.1001

8 Attorneys for Plaintiff  
9 INC21.COM CORPORATION d/b/a  
10 GLOBALYP.NET

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 Inc21.com Corporation d/b/a GlobalYP.net,  
15 Plaintiff,

16 vs.

17 Ma Sheila Flora, Tracy Gomez, Hubbub Inc.,  
18 LKU Commtech Central, I2C- Intelligence to  
19 Communicate, Inc., Intelcon Call Center,  
20 Badoles, Inc., Pelatis BPO Solutions, Prolific  
21 Contract Central, Technocall Corp., Digicall Inc.,  
22 Zynergy Solutions, and Contact Central  
23 Solutions, Inc.,

24 Defendants,

Case No. CV 08-02967 WHA

**PROOF OF SERVICE**

1 I am a resident of the State of California and over the age of eighteen years and not a party  
2 to the within-entitled action; my business address is One Market, Spear Street Tower, San  
Francisco, California 94105-1126.

3 On July 16, 2008, I served the within document(s):

4 **SUMMONS IN A CIVIL ACTION**

5 **ECF REGISTRATION INFORMATION HANDOUT**

6 **CIVIL COVER SHEET and PLAINTIFF INC21'S COMPLAINT FOR**  
7 **VIOLATION OF THE TELEMARKETING AND CONSUMER FRAUD AND**  
8 **ABUSE PREVENTION ACT, BREACH OF CONTRACT, NEGLIGENCE, AND**  
**FRAUD**

9 **ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR**  
10 **DEADLINES**

11 **PLAINTIFF INC21'S CERTIFICATION OF INTERESTED ENTITIES OR**  
12 **PERSONS PURSUANT TO CIVIL LOCAL RULE 3-16**

13 **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND**  
14 **REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

15 **NOTICE OF IMPENDING REASSIGNMENT TO A UNITED STATES DISTRICT**  
16 **COURT JUDGE**

17 **REASSIGNMENT ORDER**

18 **CLERK'S NOTICE RESCHEDULING HEARING**

19 **SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE**  
20 **MANAGEMENT CONFERENCE IN CIVIL CASES BEFORE JUDGE WILLIAM**  
21 **ALSUP**

22 **PLAINTIFF INC21'S FIRST AMENDED COMPLAINT FOR VIOLATION OF**  
23 **THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE**  
24 **PREVENTION ACT, BREACH OF CONTRACT, NEGLIGENCE AND FRAUD**

25 I caused a clerk of the United States District Court for the Northern District of California  
26 to mail, postage pre-paid, the above listed documents to the addresses on the attached service list  
27 via the United States Postal Service with signature and return receipt requested.

28 **See Attached Service List**

Executed on July 16, 2008, at San Francisco, California.

I declare under penalty of perjury that I am a member of the bar of this court and that the  
foregoing is true and correct.

  
Joanna Sax, Esq.

**Inc21 Service List**

**Ma Sheila Flora**

3rd Floor  
Bermejo Building  
McKinley Street  
Roxas City, Capiz, Philippines 5800

**12C-Intelligence to Communicate, Inc.**

802 Globe Telecomm Plaza I  
Pioncer, Mandaluyong City, Philippines 1550

**Tracy Gomez**

354 Arayat Street  
Phase 3 County Homes Bizgy Putatan  
Muntinlupa City, Philippines 1770

**Intelcon Call Center**

Valencia Bldg  
Las Pinas City, Philippines 1740

**Contact Central Solutions, Inc.**

5 E. Lopez Street  
Varo Iloilo City, Philippines 5000

**Badoles, Inc.**

Arnaldo Bomfacio  
3rd Floor  
Bermejo Building  
McKinley Street  
Roxas City, Capiz, Philippines 5800

**Hubbub Inc.**

401 Adriatico Executive Center  
1920 M. Adriatico Street  
Malate, Manila, Philippines 1004

**Pelatis BPO Solutions**

5th Floor, San Miguel PPI Corporate Center  
St. Francis Avenue Ortigas Center  
Mandaluyong City, Philippines 1550

**LKU Commtech Central**  
Door #4 No. 1 Benedicto Street  
Jaro, Iloilo City, Philippines 5000

**Prolific Contact Central**  
Juareuo Building  
No. 1 P. Oliveros Street  
Mandaluyong City, Manila, Philippines 1550

**Technocall Corporation**  
56 Benedicto Street  
Jaro District  
Iloilo City, Philippines 5000

**Zynergy Solutions**  
Unit 403 Adriatico Executive Center  
1920 M. Adriatico Street  
Malate, Manila, Philippines 1004

**Digicall, Inc.**  
E. Lopez Street  
Iloilo City, Philippines 5000

## **EXHIBIT C**

MORGAN, LEWIS & BOCKIUS LLP  
BRETT M. SCHUMANN, State Bar No. 189247  
JOANNA K. SAX, State Bar No. 249124  
One Market, Spear Street Tower  
San Francisco, CA 94105-1126  
Tel: 415.442.1000  
Fax: 415.442.1001

Attorneys for Plaintiff  
INC21.COM CORPORATION d/b/a  
GLOBALYP.NET

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Inc21.com Corporation d/b/a  
GlobalYP.net,

Plaintiff,

vs.

Ma Sheila Flora, Tracy Gomez, Hubbub  
Inc., LKU Commtech Central, I2C-  
Intelligence to Communicate, Inc., Intelcon  
Call Center, Badoles, Inc., Pelatis BPO  
Solutions, Prolific Contract Central,  
Technocall Corp., Digicall Inc., Zynergy  
Solutions, and Contact Central Solutions,  
Inc.,

Defendants.

Case No. CV 08-02967 WHA

**PROOF OF SERVICE BY PUBLICATION**

The following defendants: Ma Sheila Flora, Tracy Gomez, Hubbub Inc., LKU Commtech  
Central, I2C- Intelligence to Communicate, Inc., Intelcon Call Center, Badoles, Inc., Pelatis BPO  
Solutions, Prolific Contract Central, Technocall Corp., Digicall Inc., Zynergy Solutions, and  
Contact Central Solutions, Inc., were served by publication of the above titled action.

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1 A true and correct copy of the declaration of Domingo Castillo and attachments thereto  
2 state the service of above named defendants by publication and is attached hereto as Exhibit A.

3 Dated: August 13, 2008

MORGAN, LEWIS & BOCKIUS LLP

4  
5 By: /s/  
6 Joanna Sax  
7 Attorneys for Plaintiff  
8 INC21.COM CORPORATION d/b/a  
9 GLOBALYP.NET  
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## **EXHIBIT A**

1 MORGAN, LEWIS & BOCKIUS LLP  
2 BRETT M. SCHUMAN, State Bar No. 189247  
3 JOANNA K. SAX, State Bar No. 249124  
4 One Market, Spear Street Tower  
5 San Francisco, CA 94105-1126  
6 Tel: 415.442.1000  
7 Fax: 415.442.1001  
8 E-mail: bschuman@morganlewis.com  
9 E-mail: jsax@morganlewis.com

10 Attorneys for Plaintiff  
11 Inc21.com Corporation d/b/a GlobalYP.net

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 Inc21.com Corporation d/b/a  
16 GlobalYP.net,

17 Plaintiff,

18 vs.

19 Ma Sheila Flora, Tracy Gomez, Hubbub  
20 Inc., LKU Commtech Central, I2C-  
21 Intelligence to Communicate, Inc., Intelcon  
22 Call Center, Badoles, Inc., Pelatis BPO  
23 Solutions, Prolific Contract Central,  
24 Technocall Corp., Digicall Inc., Zynergy  
25 Solutions, and Contact Central Solutions,  
26 Inc.

27 Defendants.

Case No. C 08-02967 WHA

**DECLARATION OF DOMINGO  
CASTILLO**

28 I, Domingo Castillo, hereby declare that:

1. I am an attorney licensed to practice law in the Philippines and am partner in the law firm of SyCip Salazar Hernandez and Gatmaitan.

2. I was admitted to the Philippine bar in 1978 and have been actively practicing law for 30 years.

DECLARATION OF DOMINGO CASTILLO; C 08-02967 WHA

1 3. I am readily familiar with the Philippine legal requirements for service of  
2 summons. Service by publication is a permitted method of service under Philippine law. A true  
3 and correct copy of the applicable Philippine law, more particularly, Section 19, Rule 14 of the  
4 1997 Philippine Rules of Civil Procedure which is attached hereto as Exhibit 1.

5 4. In accordance with Philippine law, I arranged for a notice of Inc21.com  
6 Corporation's Complaint against Ma Sheila Flora, Tracy Gomez, Hubbub Inc., LKU Commtech  
7 Central, I2C- Intelligence to Communicate, Inc., Intelcon Call Center, Badoles, Inc., Pelatis BPO  
8 Solutions, Prolific Contract Central, Technocall Corp., Digicall Inc., Zynergy Solutions, and  
9 Contact Central Solutions, Inc. ("Notice") to be published in a newspaper of general circulation.

10 5. On July 27, 2008, the *Philippine Star* published the notice. The *Philippine Star* is  
11 a newspaper of general circulation in the Philippines. Attached hereto as Exhibit 2 is a true and  
12 correct copy of the published notice.

13 6. In accordance with Philippine law, I arranged for a Publisher's Affidavit to be  
14 executed to testify as to the publication of the notice. Attached hereto as Exhibit 3 is a true and  
15 correct copy of the Publisher's Affidavit.

16 7. I executed the attached affidavit showing the deposit of the notice and the  
17 Publisher's Affidavit plus a letter addressed to the named defendants above which were addressed  
18 to the named defendants above which were sent by registered mail with return card to their  
19 respective last known address. Attached hereto as Exhibit 4 is a true and correct copy of my  
20 Affidavit.

21 8. The publication of the Notice in the *Philippine Star*, a newspaper of general  
22 circulation, and the Publisher's Affidavit, satisfy the requirements of service by publication under  
23 Philippine law.

24 I declare under penalty of perjury under the laws of the Philippines that the  
25 foregoing is true and correct and that this declaration was executed on August 5, 2008 at Makati  
26 City, Philippines.

27 

28 Domingo Castillo

1  
DECLARATION OF DOMINGO CASTILLO; C 08-02967 WHA

interest therein, or the property of the defendant has been attached within the Philippines, service may, by leave of court, be effected out of the Philippines by personal service as under Section 6; or by publication in a newspaper of general circulation in such places and for such time as the court may order, in which case a copy of the summons and order of the court shall be sent by registered mail to the last known address of the defendant, or in any other manner the court may deem sufficient. Any order granting such leave shall specify a reasonable time, which shall not be less than sixty (60) days after notice, within which the defendant must answer. (17a)

**SECTION 16. *Residents Temporarily Out of the Philippines.*** — When any action is commenced against a defendant who ordinarily resides within the Philippines, but who is temporarily out of it, service may, by leave of court, be also effected out of the Philippines, as under the preceding section. (18a)

**SECTION 17. *Leave of Court.*** — Any application to the court under this Rule for leave to effect service in any manner for which leave of court is necessary shall be made by motion in writing, supported by affidavit of the plaintiff or some person on his behalf, setting forth the grounds for the application. (19)

**SECTION 18. *Proof of Service.*** — The proof of service of a summons shall be made in writing by the server and shall set forth the manner, place, and date of service; shall specify any papers which have been served with the process and the name of the person who received the same; and shall be sworn to when made by a person other than a sheriff or his deputy. (20)

**SECTION 19. *Proof of Service by Publication.*** — If the service has been made by publication, service may be proved by the affidavit of the printer, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached, and by an affidavit showing the deposit of a copy of the summons and order for publication in the post office, postage prepaid, directed to the defendant by registered mail to his last known address. (21)

**SECTION 20. *Voluntary Appearance.*** — The defendant's voluntary appearance in the action shall be equivalent to service of summons. The inclusion in a motion to dismiss of other grounds aside from lack of jurisdiction over the person of the defendant shall not be deemed a voluntary appearance. (23a)

## RULE 15

TO: MA SHEILA FLORA, TRACY GOMEZ, HUBBUB INC., LKU COMMTECH CENTRAL, I2C- INTELLIGENCE TO COMMUNICATE, INC., INTELCON CALL CENTER, BADOLES, INC., PELATIS BPO SOLUTIONS, PROLIFIC CONTRACT CENTRAL, TECHNOCALL CORP., DIGICALL INC., ZYNERGY SOLUTIONS, AND CONTACT CENTRAL SOLUTIONS, INC.

A lawsuit has been filed against you in the United States District Court for the Northern District of California in San Francisco, California as shown in the caption below:

Inc21.com Corporation d/b/a  
GlobalYP.net,

Plaintiff,

vs.

Ma Sheila Flora, Tracy Gomez, Hubbub Inc., LKU Commtech Central, I2C- Intelligence to Communicate, Inc., Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Contract Central, Technocall Corp., Digicall Inc., Zynergy Solutions, and Contact Central Solutions, Inc.

Defendants.

Case No. C 08-02967 WHA

PLAINTIFF INC21' S FIRST AMENDED COMPLAINT FOR VIOLATION OF THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT, BREACH OF CONTRACT, NEGLIGENCE, AND FRAUD

DEMAND FOR JURY TRIAL

Within 30 days after publication of this notice (not counting the day the publication was printed), you must file and serve on the plaintiff's attorneys an answer to the complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. A copy of the complaint is available from the plaintiff's attorneys, whose name and address are below. The plaintiff's attorneys' name and address are:

Brett M. Schuman, Esq.  
Joanna K. Sax, Esq.  
Morgan, Lewis & Bockius LLP  
One Market Plaza, Spear Street Tower  
San Francisco, CA 94105

If you fail to timely serve an answer on the plaintiff's attorney, judgment by default will be entered against you for the relief demanded in the complaint.

Notice Prepared By: MORGAN, LEWIS & BOCKIUS LLP  
BRETT M. SCHUMAN  
JOANNA K. SAX  
Attorneys for Plaintiff  
Inc21.com Corporation d/b/a GlobalYP.net

### AFFIDAVIT OF PUBLICATION

That the said corporation publishes **THE PHILIPPINE STAR**, a daily broadsheet newspaper published in English and of general circulation.

*Arlyn H. Servanez*  
ARLYN H. SERVANEZ  
Affiant

Doc. No 147  
Page No 31  
Book No 213  
Series of 208

*Manuel C. Paras*  
**EMMANUEL C. PARAS**  
 Notary Public for Malindi City  
 Appointment No. 42 until Dec. 31, 2008  
 Roll of Attorney No. 27102  
 PTR No. 0000283; 1/10/2009; Malindi City  
 RP No. 729-006; Dec. 27, 2007; Malindi Chapter  
 SBN-NG Law Centre, 105 Pines de Ranco  
 Malindi City, 1236 Mbea Road  
 Philippines

**AFFIDAVIT**

I, **DOMINGO G. CASTILLO**, Filipino, of legal age, with office address at 7th Floor SSHG Law Centre, 105 Paseo de Roxas, Makati City, after being duly sworn according to law hereby depose and state:

1. I am a Partner of the law firm of SyCip Salazar Hernandez & Gatmaitan with address at SSHG Law Centre, 105 Paseo de Roxas, Makati City.

2. I was instructed by the law firm of Morgan, Lewis & Bockius LLP (through Ms. Joanna Sax) to effect the proof of service by publication in a newspaper of general circulation in the Philippines to the following defendants in Case No. C 08-02967 WHA, entitled *"Inc21.com Corporation d/b/a GlobalYP.net vs. Ma. Sheila Flora, Tracy Gomez, Hubbub Inc., LKU Commtech Central, I2C-Intelligence to Communicate, Inc., Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Contract Central, Technocall Corp., Digicall Inc., Zynergy Solutions, and Contact Central Solutions, Inc."* where the notice of jury trial was requested to be published.


3. As a result thereof, I caused the publication of notice of jury trial in the July 27, 2008 issue of the Philippine Star where a Publisher's Affidavit was issued.

4. In compliance with Section 19, Rule 14 of the 1997 Philippine Rules of Civil Procedure, I sent the attached letters to the named defendants above to their last known addresses by registered mail with return card where the registry receipt numbers corresponding to the defendants are appended on the right-hand portion to each of the letters (Annexes "A" to "M").

5. I am executing this Affidavit in compliance with Section 19, Rule 14 of the 1997 Philippine Rules of Civil Procedure which states:

*"SECTION 19. Proof of Service by Publication. — If the service has been made by publication, service may be proved by the affidavit of the printer, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached, and by an affidavit showing the deposit of a copy of the summons and order for publication in the post office, postage prepaid, directed to the defendant by registered mail to his last known address."*

AFFIANT FURTHER SAYETH NAUGHT.

  
**DOMINGO G. CASTILLO**  
Affiant



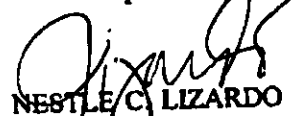
REPUBLIC OF THE PHILIPPINES)  
MAKATI CITY ) S.S.

**BEFORE ME**, a Notary Public in and for Makati City, this 5<sup>th</sup> day of August 2008 personally appeared Domingo G. Castillo with Community Tax Certificate No. 07598678 issued in Quezon City on January 4, 2008 who acknowledged to me that the same is his free and voluntary act and deed.

**WITNESS MY HAND AND SEAL** on the date and the place first above written.

Doc. No. 2;  
Page No. 2;  
Book No. I;  
Series of 2008.

File No. 9156-1-1

  
**NESTLE C. LIZARDO**  
Notary Public for Makati City  
Appointment No. M-447 until Dec. 31, 2009  
Roll of Attorney No. 54491  
PTR No. 09991821; 01/10/08; Makati City  
IBP No. 729444; 12/27/07; PPLM Chapter  
SSHG Law Centre, 105 Paseo de Roxas  
Makati City, 1226 Metro Manila, Philippines

*plu*

**The Penthouse, 17<sup>th</sup> Floor**  
**Landco Corporate Centre**  
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**8000 Davao City**  
**Philippines**  
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**(83-82) 234-2742**  
**Fax: (83-82) 234-2743**  
**E-Mail: [sebastian@bayanlaw.com](mailto:sebastian@bayanlaw.com)**

2 July 2004

July 30, 2008

Very truly yours,

**Domingo G. Castillo**

**SYCP**  
**SALAZAR**  
**HERNANDEZ**  
**& GATMAITAN**  
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July 30, 2008

**Zynergy Solutions**  
Unit 403 Adriatico Executive Center  
1920 M. Adriatico Street, Makati  
1004 Manila

Dear Sir:

We are forwarding to you, for your files and information, copies of Affidavit including therein the clipping of the notice for jury trial in Case No. 08-10000, entitled "Inc21.com Corporation d/b/a GlobalYP.net vs. Ma. S. Gomez, Hubbub Inc., LKU Commtech Central, I2C-Intelligence to C Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Technocall Corp., DigiCall Inc., Zynergy Solutions, and Contact Central Solutions, Inc." We are sending this through registered mail with return card to comply with the provisions of Section 19, Rule 14 of the 1997 Philippine Rules of Civil Procedure which states:

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Thank you for your kind attention.

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LUCIANO S. SALAZAR (1945-81)  
REYNOLDO O. HERNANDEZ (1960-88)

<http://www.syncplaw.com>

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ANNEX "C"

**SYCP**  
**SALAZAR**  
**HERNANDEZ**  
**& GATMAITAN**  
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 E-Mail: sycp@syglobe.com

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July 30, 2008

Prolific Contact Central  
 Juareno Building  
 No. 1 P. Olivero Street  
 1550 Mandaluyong City

Dear Sir:

We are forwarding to you, for your files and information, copies of the P Affidavit including therein the clipping of the notice for jury trial in Case No. C WHA, entitled "Inc21.com Corporation d/b/a GlobalYP.net vs. Ma. Sheila Flc Gomez, Hubbub Inc., LKU Commtech Central, I2C-Intelligence to Communic Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Contract Center, Technocall Corp., Digicall Inc., Zynergy Solutions, and Contact Central Solutions, Inc." We are sending this through registered mail with return card to comply with the provisions of Section 19, Rule 14 of the 1997 Philippine Rules of Civil Procedure which states:

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Very truly yours,

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Case 3:08-cv-02967-WHA

Document 11

Filed 08/13/2008

Page 14 of 23

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ANNEX "D"

Post Office  
 Letter/Package No. 310830  
 Registered Mail  
 Registered in case of inquiry  
 Postmaster/Teller  
 REGISTRY RECEIPT  
 4044

July 30, 2008

LKU Commtech Central  
 Door #4 No. 1 Benedicto Street  
 Jaro, 5000 Iloilo City

Dear Sir:

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**ANNEX "E"**

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July 30, 2008

**Pelatis BPO Solutions**  
5th Floor, San Miguel PPI Corporate Center  
St. Francis Avenue, Ortigas Center  
1550 Mandaluyong City

Dear Sir:

We are forwarding to you, for your files and information, copies of the Affidavit including therein the clipping of the notice for jury trial in Case No. WHA, entitled "Inc21.com Corporation d/b/a GlobalYP.net vs. Ma. Sheila F Gomez, Hubbub Inc., LKU Commtech Central, I2C-Intelligence to Communicate, Inc., Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Contract Central, Technocall Corp., Digicall Inc., Zynergy Solutions, and Contact Central Solutions, Inc." We are sending this through registered mail with return card to comply with the provisions of Section 19, Rule 14 of the 1997 Philippine Rules of Civil Procedure which states:

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Thank you for your kind attention.

Very truly yours,

*Domingo G. Castillo*

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July 30, 2008

Hubbub Inc.  
401 Adriatico Executive Center  
1920 M. Adriatico Street, Malate  
1004 Manila

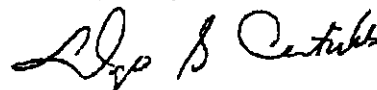
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Special Counsel

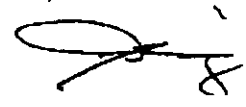
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Case 3:08-cv-02967-WHA

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July 30, 2008

**Badoles, Inc.**  
3rd Floor, Bermejo Building  
McKinley Street, Roxas City  
5800 Capiz

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1 July 2008

*[Signature]*



ANNEX "H"

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July 30, 2008

Contract Central Solutions, Inc.  
 5 E. Lopez Street  
 Jaro, Iloilo City 5000

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Case 3:08-cv-02967-WHA

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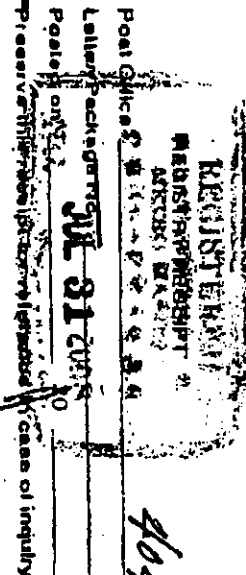
ANNEX 123

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& HERNANDEZ  
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July 30, 2008

Intelcon Call Center  
Valencia Building  
1740 Las Piñas City

Dear Sir:

We are forwarding to you, for your files and information, copies of the P Affidavit including therein the clipping of the notice for jury trial in Case No. C WHA, entitled "Inc21.com Corporation d/b/a GlobalYP.net vs. Ma. Sheila Fk Gomez, Hubhub Inc., LKU Commtech Central, I2C-Intelligence to Communi Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Contract Technocall Corp., Digicall Inc., Zynergy Solutions, and Contact Central Solutions. We are sending this through registered mail with return card to comply with the provisions of Section 19, Rule 14 of the 1997 Philippine Rules of Civil Procedure which states:

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Thank you for your kind attention.

Very truly yours,

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For use by the recipient for reference in case of inquiry

July 30, 2008

Ms. Tracy Gomez  
 354 Arayat Street, Phase 3  
 County Homes Brgy. Pupatan  
 1770 Muntinlupa City

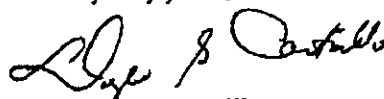
Dear Ms. Gomez:

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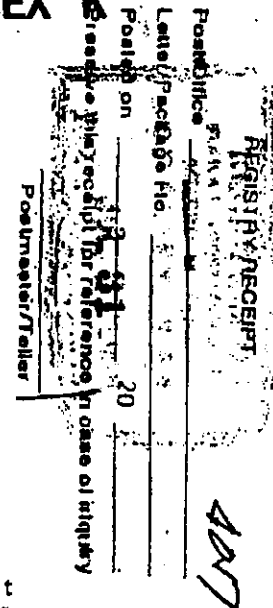
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July 30, 2008

Ms. Ma. Sheila Flora  
3rd Floor, Bermejo Building  
McKinley Street, Roxas City  
5800 Capiz

Dear Ms. Flora:

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July 30, 2008

12C-Intelligence to Communicate, Inc.  
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 1550 Mandaluyong City

Dear Sir:

We are forwarding to you, for your files and information, copies of the Affidavit including therein the clipping of the notice for jury trial in Case No. WHA, entitled "Inc21.com Corporation d/b/a GlobalYP.net vs. Ma. Sheila Gomez, Hubbub Inc., LKU Commtech Central, 12C-Intelligence to Communicate, Intelcon Call Center, Badoles, Inc., Pelatis BPO Solutions, Prolific Contract Central, Technocall Corp., Digicall Inc., Zynergy Solutions, and Contact Central Solutions, Inc." We are sending this through registered mail with return card to comply with the provisions of Section 19, Rule 14 of the 1997 Philippine Rules of Civil Procedure which states:

"SECTION 19. *Proof of Service by Publication.* — If the service has been made by publication, service may be proved by the affidavit of the printer, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached, and by an affidavit showing the deposit of a copy of the summons and order for publication in the post office, postage prepaid, directed to the defendant by registered mail to his last known address."

Thank you for your kind attention.

Very truly yours,

*Domingo G. Castillo*  
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July 2008



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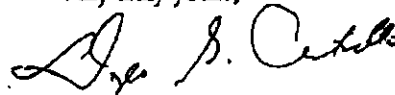
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